

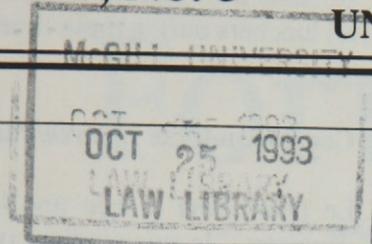


3 101 171 739 L

RL  
JLS

# Quid Novi

Volume XIV, No. 5

McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITÉ McGILL FACULTÉ DE DROITOctober 11, 1993  
le 11 octobre, 1993

By Stacey Pinchuk, BCL I

He-Man is insensitive, shameful and blatantly sexist. No, it's not the muscular action figure popular a few years ago, but the exclusive use of the male pronoun 'he' and the word 'man' to refer to both men and women that is so worthy of our disdain.

Law school can be pretty tough and demanding, which almost anyone, student or professor, male or female, will readily admit. But it's even tougher when you are made to feel invisible, as though your experience and you as a person simply do not count.

This injustice is systematically committed in the classroom by the blatant lack of gender neutrality and gender sensitivity.

Perhaps upper years no longer notice that 'he' is routinely employed in lectures and discussion to refer to both men and women. Perhaps they have

## He-Man Is Sexist

become desensitized and accustomed to it, and do not cringe and shift uncomfortably in their seats as I do on a daily and seemingly hourly basis.

Sure, people have long argued that the generic 'he' is supposed to refer to both men and women, but conduct an informal poll of how many women actually feel included when referred to as men, and I doubt you'll find very many.

Critics on the movement for language reform have also proclaimed that 'he' is merely a pronoun and not worthy of all the commotion and fuss. Yet "if pronouns are as amusingly insignificant as some consider them to be, we should expect no outcry were the situation reversed and the female pronoun became the generic," writes feminist linguist Wendy Martyna in her 1983 article "The Case for Non-Sexist Language". "The injustice of a generic *she* seems more apparent to some than the inequity of a generic *he*. The first is seen as unfair and exclusionary, the

second as 'simply a feature of grammar'."

While much has been written about this little 'feature of grammar', the fact remains that it still seems to be used almost exclusively, with 'she' abandoned somewhere off on the sidelines.

I'm not talking about casebooks or course readings here. Sure it'd be peachy if they were more inclusive of women, and hey, maybe even written by some women too. But what truly is within our grasp to change, as members of and participants in this faculty, is the language in the classroom.

In real life, creditors, debtors, victims, wrong-doers, landlords, tenants, co-contractants, testators and executors can all be women too. This is no great revelation, but you'd never know it from sitting in on a first year class.

It is ironic that in an age of increased sensitivity toward human difference, this problem still persists. If

(Continued on page 4)

## TIME TO GET NERVOUS

### Reflections on Undergrad

By Hillel C. Neuer, BCL I

Truth, says the proverb, is the first casualty of war. This indeed has proven true, time and again, in real wars. Yet now it seems that truth is also left mutilated and bleeding when the war is fought not with bullets, but with books, ideas and grades.

Today's academic onslaught to stamp out ideas not considered "Politically Correct" is relegating the genuine pursuit of knowledge to a bygone golden age of education, and is substituting instead a strict, repressive, and remarkably effective line which threatens to destroy the fundamental principles of the university as an authentic

institution, within society, of truth and of free, critical, and objective enquiry.

This phenomenon of political correctness (or "P.C.") is, in its nature, an odd sort of creature. While, on one hand, it represents the empowerment and entrenchment of the ideas promoted by the Sixties generation, its McCarthy-like machinations fly in the face of the very openness which that same generation always demanded.

Though originally an American concern, Canadian campuses may now be added to the rapidly growing list of institutions which have professors who

(Continued on page 4)

## Inside This Issue

### Dans ce numéro

<b>He-Man Is Sexist</b>	p.1
<b>TIME TO GET NERVOUS</b>	p.1
<b>Announcements</b>	p.2
<b>Editorial</b>	p.3
<b>Jody Talk</b>	p.5
<b>LSA Report</b>	p.6
<b>The True Sovereign Authority</b>	p.6
<b>No Bucks for Block</b>	p.7
<b>Reform This!</b>	p.8

# Announcements / Annonces

**MALPRACTICE CUP:** a fun day full of sports and other activities against the Faculty of Medicine students. Daytime activities on the RESERVOIR in front of Thompson House, from 10:00-15:00, SATURDAY OCTOBER 16th. Party with Meds in the evening, at a place to be announced. Look for posters and team sign up sheets soon on the Pit Sports Board. Let's win back the Cup!

## ST. THOMAS MORE SOCIETY

The next meeting of our discussion group will take place on **Friday, October 22 at 12:30, in Room 201**. We will examine two short pieces: Stephen C. Hicks' article, "Politics of Jurisprudence: Liberty and Equality in Rawls and Dworkin" and an excerpt from Ronald Dworkin's Taking Rights Seriously. The readings are available in the St. Thomas More Society box in the LSA Office. Welcome to all! (Please note that the meeting is scheduled for **Tuesday**, given the Human Rights lecture scheduled on Wednesdays in Mid-October).

## THE MCGILL/INTERAMICUS HUMAN RIGHTS FORUM

Speaker: The Honourable Richard Goldstone, Supreme Court of South Africa  
 Topic: "Towards a Post-Apartheid, Democratic South Africa"  
 Time: Wednesday, October 13th, 12:30-2:00 p.m.  
 Location: Moot Court, Chancellor Day Hall, 3644 Peel St.

Justice Goldstone is Chair of the Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation and was designated "Newsmaker of the Year, 1993" in South Africa.

## LEGAL THEORY WORKSHOP

October 15, 11:30 a.m., Room 202  
 Our second Legal Theory Workshop is to be given by **Izhak England**, Visiting Professor of

Law, Hebrew University, Jerusalem. His topic: "The Conflict between State and Religion in Israel: Its Ideological Background". Besides being most topical, the paper deals with the difficult question of the appropriate relation between state and religion, as discussed by the most influential Jewish thinkers such as Moses Maimonides, Spinoza, and Mendelssohn. The bearing of their discussion on the relation between religion and state in a liberal society is of the first importance. Professor England's paper (20 pages long) is available at the Reserve desk of the library. Everyone is welcome to attend!

## UNDERGRADUATE STUDIES OFFICE

**Transcript verification** will take place October 12-15 inclusive in New Chancellor Day Hall, 9:30-4:30 daily. Please take the time to verify your transcript and report any errors immediately - it is important.

\* First term examination numbers will also be available at this time.

## GRADUATE STUDIES

**The Graduate Studies Centre** will be holding an information meeting for students interested in court clerkships, graduate studies and scholarships. It will be held on Tuesday October 19 from 17:00 to 18:00 at 3661 Peel St., room 106.

## GRAD COMMITTEE

**The Grad Committee** is seeking sweatshirt makers for a limited edition Grad sweatshirt. All those interested please leave a note in the Grad box or contact Stacey at 288-5675.

## DELTA THETA PHI

All those who wish to join **Delta Theta Phi** - McGill's only professional legal association call George at 398-9251 for more information. All new and old members welcome.

## A Message From The LSA

Reminder that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

## Correspondante Desirée/Penpal Sought

Le *Quid Novi* a reçu une lettre. On cite la suivante: "Je suis étudiant ivoirien à la faculté de Droit de l'Université d'Abidjan, Côte d'Ivoire. Je suis au premier cycle universitaire (DEUG I, Diplôme Études Générales Universitaires, 1ere Année). Le premier cycle allant de la 1ere Année de licence à la 3e année de licence. Je suis âgé de 23 ans et j'aimerais, à ce titre d'étudiant en Droit, échanger de larges identités de vues (juridiques, sociales voire économiques...) avec une étudiante en Droit de votre excellente université. Je tiens à souligner que je joindrai ma photo à la première correspondance. Je suis un biligue. Par conséquent je ne manquerai pas d'écrire aussi bien en Anglais et en Français." Pour autres informations, appelez Jay à 270 1589.

**Upper year law student driving to New York city looking for someone to share the expenses.** Departure: Friday, October 22, 1993; Return: Monday, October 25, 1993. Everything is flexible. If interested, please call 481-5659.

## quote of the week...

Overheard during a fire drill:  
 "All right, nobody panic ... just let me out first!"  
 -Prof. M. Boodman

**Quid Novi** is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montréal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discréption du comité de rédaction et doit indiquer l'auteur ou son origine.

Rédacteur-en-chef/ Editor in chief:  
 Jay Sinha

Directeur artistique/ Artistic Director:  
 Paul Brown

Directeur administratif/ Administrative Director: Caroline Thomassin

Directeur de l'information/ News Director:  
 Josie Duan

Rédacteurs/ Editors:  
 Dave Abitbol, Harry Dikranian, Denis Guenette

Production:  
 Mike Akkani, Adam Atlas, Maude-Isabelle Deligrave, Laurence Detière, Tony DiSilvestro, Martin Ertl, Shelly Feld, Liz Freedman, Barbara Frederikse, Alpana Garg, Hillel Neuer, Jo-Anne Schneeweiss, Craig Shepherd, Marianne Tawa



FORUM NATIONAL  
UNIVERSITÉ McGILL  
FACULTÉ DE DROIT  
McGILL UNIVERSITY  
FACULTY OF LAW

# Forum National

*presents/présente:*

## Ronald Bailey

**"Dispelling the seven great myths of environmentalism"**

**Wednesday Oct 20th, 12:30, at the Moot Court.**

Ronald Bailey is a former Forbes magazine reporter and PBS television producer. His recently published book, Ecoscam, has provoked much discussion in U.S environmental and public policy circles. Don't miss this thought-provoking opportunity to hear a side of the environmental debate rarely presented in Canada. Mr. Bailey is now at the Competitive Enterprise Institute in Washington, D.C.

*Don't Miss our First Event of the Year!*

and  
for  
inev  
they  
sub  
cha  
thor  
tern  
in  
sub  
dea  
con  
phy  
lay  
imp  
wha  
num  
the  
the  
spe  
cyc  
Ho  
an  
as

## EDITORIAL: Condemned to Birth, Life, Death and Beyond

Once upon a time the world began and people inhabited it. They would live for a while, some would reproduce, and inevitably, they would die. From whence they came and to where they went were subjective questions. Nothing has changed. The cycle is the same even though we rarely see it in such simple terms. As for the questions, well, they are in essence still questions and still subjective. Let us focus on the inevitable death aspect.

Death tends to have negative connotations. It proposes an end to physical life and is, for most, a finality layered in uncertainty. The uncertainty implies a lack of control and thus a fear of what might happen at any time for any number of reasons. Some have challenged the uncertainty and fear by choosing when they wish to die. When seen as merely speeding up the inevitable in a timeless cycle such an act seems almost trivial. However, the implications are huge as it is an act that touches on all our sensibilities as humans by putting into question the

worth of individual choice and human life.

Over a week ago the Supreme Court of Canada (SCC) denied Sue Rodriguez the right to be assisted by others in controlling the manner and timing of her death. She suffers from Amyotrophic lateral sclerosis (Lou Gehrig's disease), an incurable motor neuron disorder that leads to complete paralysis. Now, after two years of fighting for the right to die Ms. Rodriguez's doctors say that she has between two and fourteen months to live. That may not seem like much to those of us without Lou Gehrig's disease but for Ms. Rodriguez it will be painfully slow.

It seems the SCC did not have an easy time with the decision as it was a 5-4 split with four written opinions. Speaking for the majority Mr. Justice Sopinka wrote that, "no new consensus has emerged in society opposing the right of the state to regulate the involvement of others in exercising power over individuals ending their lives". In the wake of the decision much of the media

comment has said that it was a lack of public opinion which really decided the case.

Perhaps it is a decision better suited for Parliament than the courts. It is fundamentally a moral question as it harps on philosophies of life and death, personal philosophies which the law should not always dictate. While all may agree that such a right requires legal regulation, the extent of such regulation can only be determined once the courts have a sense of how society feels. Here our elected representatives may come in handy.

Chief Justice Lamer summed it up well in his dissent by explaining that while it is impossible to know all the implications of allowing assisted suicide, "what we do know and cannot ignore is the anguish of those in the position of Ms. Rodriguez." She knows exactly how inevitable death is.

### McGill/InterAmicus Human Rights Forums

#### In conjunction with the Astra Lectures in Ethics of the McGill Centre for Medicine, Ethics and Law

**Speaker:** The Honourable Bernard Kouchner,  
L'Association pour l'action humanitaire

**Topic:** "Children, War, and Humanitarian Assistance"

**Time:** Thursday, October 21st, 6:00 to 7:00 p.m.

**Location:** Moot Court, Chancellor Day Hall, 3644 Peel St.

**Dr. Kouchner** is the founder of the internationally-reknowned "Médecins sans frontières" and served as both Minister of Humanitarian Relief and Minister of Health in French governments.

**Speaker:** Professor Harold Koh, Yale Law School

**Topic:** "Trans-National Public Law Litigation - The Case of the Haitian Refugees"

**Time:** Wednesday, October 27th, 12:30-2:00 p.m.

**Location:** Moot Court, Chancellor Day Hall, 3644 Peel St.

Professor Koh has litigated a number of landmark cases before the United States Supreme Court. He is Director of the Schell Center for Human Rights at Yale.

## He-Man Is Sexist

(Continued from page 1)

race were substituted for gender, and all people were referred to in the classroom as white people, there would be a mass public outcry. Referring to everyone as men merits an equally reactionary response.

The first year class is comprised of 76 women and 74 men. It is no doubt time for the classroom to reflect the diversity of its make-up. I am not proposing that political correctness be force-fed and shoved down or collective throats. When it is too deliberate, the use of 'he-and-or-slash-she' can become cumbersome and

even farcical.

This is no joke. Rather than stumble over awkward sentence constructions, professors and students alike should simply alternate between the male and female pronouns in their examples, or opt for true neutrality by using 'one' or the singular 'they'.

Yes, it is only one month into school and perhaps a little early to rock the boat and denounce sexist practices in the Faculty of Law.

Some might say that I have a lot of balls for deplored professors and my

fellow classmates for their lack of gender sensitivity. But let's just remember one thing: as one of first year's 76 female students, I certainly don't.

*The Quid wishes to apologize to Stacey and our readers for accidentally cutting out half of the title of her last article in issue no. 3 which should have read "From Club Med to Aching HEAD Impressions of a 1st Year". Sorry.*

## TIME TO GET NERVOUS

(Continued from page 1)

actively promote their own politics, in large part through the intimidation - whether conscious or unconscious - of the expression of all opposing views.

Concordia University in Montreal, while a fine institution in general, is one example. Of course, today, now that I finally hold my fresh Bachelor's diploma firmly in hand, I suppose I may feel safer (if less heroic) when speaking out now than I would have while still on the inside.

How has Concordia's P.C. culture been hurting students and their right to a good education? To begin with, it is singularly responsible for the situation whereby a student today may justifiably harbour suspicions regarding the quality of his or her instructor's qualifications. Though only privately, not a few professors will relate horror stories of gender-equality committees running roughshod over any department which deigns to hire professors on the sole basis of merit, rather than race, colour or gender. Ironically, this situation ultimately works against qualified professors from minority groups, for they will forever be dealing with others who will automatically attribute their position to affirmative-action hiring practices, rather than to genuine accomplishments.

However, even more significantly, students are suffering from the P.C. culture in classes where they will be judged not by the academic or scholarly quality of their work, but rather by the ideological positions they adopt.

For consider: In a certain literature class, the students are taught that there is no one "true" philosophy or doctrine, that everything is subject to skepticism, all ideas

being equal and relative. But every student knows only too well how the teacher will cringe - and grade - if any of her own sacred cows of relativism are even remotely challenged, be it Deconstructionism, Derridean linguistics, or Postmodernism. Ironically, the preacher of unrestrained relativism becomes an almost absolutist cleric of controlled thought and discussion. In the end, everything is relative except relativism itself: it alone remains an absolute.

Students failing initially to recognize the particular bias of their professor often learn quickly, and painfully: I was jolted into line when, in a political theory course, an essay of mine slightly critical of Karl Marx came back with a mark lower than usual, accompanied with the accusation that I was practising "Cold War politics" - presumably, that I was illegitimately attacking 19th century Marx out of unrelated, 20th century anti-Soviet motivations. Until I realized that the teacher was an avid Marxist, I frankly had not the slightest clue what she was getting at, the expression "Cold War" itself being rather irrelevant and somewhat anachronistic to my post-glasnost generation.

But I soon learnt to behave, as did the rest of the class. By the end of the course, this professor could state that the Cuban Castro regime has been wonderful, or that Jean-Jacques Rousseau's populist political philosophy anticipated the Sandinista's, and hardly elicit as much as the batting of an eyelash from even the intelligent and otherwise outspoken students of the class.

Indeed, by the time most students reach their senior years, they become awfully talented, if not in their major, then in at least one area of expertise: that of determining the favourite pet political ideology of their prof, and playing on it with deftness and craft. After all, no student wants to get a bad grade.

The tragic result is that many students today are being fashioned to spend their time

and effort not on the pursuit of an individual insight into the text or on the search for the objective truth, but rather on the safe regurgitation of what they heard the teacher say in class, or otherwise, on a cautious conclusion the teacher would be most likely to favour.

To be sure, the professors mentioned above undoubtedly imagine themselves to have completely open minds, and believe that they foster free debate. It would be facile to point fingers at malicious ideologues, bent on brainwashing their young charges. In reality, the problem is likely due much more to unwitting practices than to any intentional coercion. Then again, subtle pressure is often the most effective and enduring kind.

But it would be unfair to single out the professors; a significant cause for the current stifling of ideas is the enormous amount of peer pressure exerted by students themselves. For example, while the conservative viewpoint is considered a perfectly legitimate position in mainstream Canada and U.S., in many Concordia classes one would have to be either anti-social or suicidal to have voiced approval for things like free-market economics, Ronald Reagan, or basic traditional values.

Make no mistake: quite often many of the ideas sanctioned as politically correct are fine and worthy beliefs which provide rich contributions to the political discourse. It is when these forcibly become the *only* ideas, that one has to get nervous. And if we hope to ever set our universities back on the right track - if we still hope to resuscitate the untainted objectives of Truth, as it lies wounded and gasping - it is now time to get nervous.

# JODY "TALK"

By Jody Berkes, BCL II

Last week I was sitting in my room debating whether or not to burn my Business Associations Casebook Supplement. It isn't that I'm not fond of Josh Fireman and his work. It's just that my landlord still hasn't turned on the heat, and I wanted to start a small fire for warmth. Additionally, the casebook contains the judgement of *BNC v. Houle*. Anyone who doesn't yet understand why *Houle* makes me want to hurl will probably figure it out by the end of their civil law courses. At any rate, I refrained from wanton acts of destruction at that time. Instead, I decided to take a break from meaningless reading and read something truly asinine. Yes my friends, I read the *McGill Daily*. What did I find there you might ask? Well, not much. The closest thing to hard news I found were the student comments about the new Pizza Hut in The Alley. Every six months or so I get a Pizza Hut craving, and the article triggered one.

Thursday mornings I have my shift at the McGill Legal Information Clinic, where I dispense information, but not advice. (This will become important later.) After my shift I decided to "Hit the Hut!" My first bite of pizza was tough and chewy so I decided to take the pizza out of the cardboard

container. After my second bite I figured out that it didn't make much difference either way, and I realized why it is I only eat the stuff every six months. I really do love pizza! There's nothing better than a hot, fresh, handmade pizza where the cheese is all dripping and bubbly, and there's nothing worse than a cold, old, mass produced pizza that's been sitting in a warmer for hours. I sat there wondering how McGill could allow this desecration of our palates. Only then did I realize that any school that is capable of naming their student union after a fat, aging actor who...speaks...like...this... because he thinks its dramatic is capable of sinking to any depths to try and make a buck (and Uncle Bill refused to give us any money anyway).

All is not lost however, and I think that I know how to fix it. (This is where the fact that I work at the Legal Clinic comes in.) Why not let the McGill Legal Info Clinic take over the Pizza Hut space and serve pizza as well as legal info. This solution would have several positive aspects. First, and foremost, it will get people coming into the legal clinic. I sit in the clinic and the phone may ring a couple of times, but I never get anyone to come in and see me. If the clinic sold pizza the people could come in for the pizza and stay for the legal info. Second, by forcing law students to learn how to make pizza, the clinic would be giving them a fall back job skill. The biggest lie you'll ever hear in

law school is, "There's an articling job for every student". On the other hand, show me the town that couldn't use another pizza chef, and I'll show you Bensonhurst. Finally, this idea would go a long way to help improve lawyers' tarnished image. I think Shakespeare summed up society's feelings on lawyers the best, "The first thing we do, let's kill all the lawyers" (*Henry VI Pt.II, Act IV, Sc.2*). Well, if the Legal Clinic sold pizza we would probably hear a different monologue to open Jay Leno, "You hear how Johnny's divorce attorney let his wife take him to the cleaners, well, at least he didn't let him go hungry". Instead of showing cowboys roping a "fat, rich tax attorney" on the Miller Lite commercial they could show a bunch of cowboys drinking Miller Lite and eating a pepperoni pizza made by a fat, rich tax attorney. Instead of the firm Stikeman Elliot we'd have the firm of Veni Vedi Vici. If McGill law students can decipher Dean Morissette's class on The Foundations of Canadian Law, then how hard could it be to make a decent pizza?

*Jody Berkes is a second year National Programme student who thinks that nothing goes better with pizza than beer. His column will appear weekly in the Quid*

# THE LSA REPORT

**Laurence Detière, B.C.L.I.**

For the first time in many years it seems, an outsider has attended a LSA meeting. And this was not just *any* person, it was a Quid Novi reporter. "It", by the way, was me.

The LSA discusses and decides on issues pertinent to the student body, and therefore it is of interest to all of us to know what's going on. The presence of a person exterior to the council, especially the reporting of the meetings, ensures that the LSA is accountable to those whom they represent. In all fairness however, I don't plan on being the agent of a Nixon-Watergate-tape type of scandal. Nor will I report on the technical formalities of the meetings (you don't know how lucky you are there!). Instead I will try to relay the pertinent issues discussed at the meetings, and in an effort to be accurate I had my facts checked by Mr. Speaker because he's supposed to be impartial and is also in most of my classes! Speaking of whom, Adam Atlas is the new LSA speaker and with his impressive speaker experience (he was SSMU speaker, so please bow in respect next time you see him) does an impressive and professional job.

Here is, then, what happened at the meeting of September 29th 1993.

Because of scheduling problems, the current sports coordinator, Corinna Stonebanks, was forced to resign from her position. An election will therefore be held and as you read this, candidates should be campaigning, the elections being held on Wednesday the 13th and Thursday the 14th of October. Normally, LSA meetings will now be held at 12:30 on Wednesdays. Another item discussed was the activating of a fund raising committee, allowed for in the LSA constitution but not used in recent years. The money derived from the activities of this committee would go into the general budget and the goal of the fund raising is to add to the "general pot" while it will try not to conflict or compete with other fund raisers of specific events. One of the opportunities to be examined is the possibility of

replacing the Sadie's by a student run store, as in the management faculty, where the proceeds of sales would go to the LSA rather than an exterior body [The space Sadie's occupies was originally donated to the LSA]. On the fund raising topic, there is talk of selling paraphernalia bearing a to-be-determined law logo. For this purpose, a "logo committee" of 5 members was set up to conduct the tender for logo in which students will be asked to put their artistic talents to the test by coming up with a logo for our illustrious law association. The specific functions of the committee and the characteristics of the logo 'bid' are TBA. There will also be a new member on the LSA (allowed for in the constitution) representing the Graduate students of the Faculty. He/She will not be allowed to vote on financial issues however. Melanie was appointed Conference Liaison Officer, establishing a link between the LSA and clubs for funding of their conferences. On to the "war of the sticker". We are all now aware that we no longer have validation stickers stating the term/year of our McGill attendance. This apparently has caused several problems, organizations refusing to give students discounts because there is nothing on the I.D. stating that you are *currently* a McGill student. The registrar's office apparently eliminated the stickers for our convenience, eliminating huge line-ups at the cashier's office (wouldn't it have something to do with \$ too?). However, the SSMU is rallying to change the current status of our "date incognito" cards. A number of solutions have been put forward and a petition should now have circulated for those wishing to see the current card status change. In the mean time, carry a fee statement with you (is that really practical?).

Finally, a tip of the hat to the orientation committee who's made money this year (which is apparently quite an achievement) and to Marian who overcame a number of significant hurdles in his organization of the UN trip.

## THE TRUE SOVER-

**Laurence Detière, B.C.L.I.**

First years have been discussing the sovereignty of legal systems in Foundations in an effort to try to define what constitutes a legal system. Several criteria have been put forward to help us evaluate what a legal system is, and what rules, if any, 'dominate' in the presence of parallel social orderings. This debate has persevered for centuries and will continue to do so.

However, one morning, after missing my alarm, running out of hot water, not finding two shoes that matched, getting soaked in the rain and being shoved while trying to board a metro (which I missed), it struck me that no matter what our opinion of the place of law in social ordering is, our lives all follow one unique, straight forward law : Murphy's. What a great jurist Murphy must have been to be able to devise such a permanent law which transcends to all types of ordering and presents the 'basic elements' of a legal system. Indeed, it is universal as it is applicable to all society, it has procedural justice, affecting all equally (although certain are more prone to be victims of Murphy hence declaring that "it only happens to me"), it is legitimate for if it might seem unfair, it is acknowledged by those subject to it and is considered binding (is it ever !) and of course Murphy's law is where the power ultimately lies (as opposed to the state). After all, even the supremacy of the constitution is subject to the entrenched rules of

(Continued on page 7)

## EIGN AUTHORITY

(Continued from page 6)

Murphy (look at what's happened to the poor thing in the 80's). Moreover, Murphy spans beyond national boundaries, qualifying as a true international law. Admittedly, this legal system is a bit random, making it difficult to predict when in fact it will strike and yet we all know that sooner or later we're going to have one of those days. We're all subject to it, as are our legal institutions and politicians. Indeed, Murphy is truly sovereign.

Murphy must also be credited with being one of, if not the most influential person in the world today. Murphy manages in a single day to influence the weather, the transit system, the content of exams as well as many other daily activities.

And to all those who believed Murphy's Law was a mere convention for it was never really written anywhere, it is (right here): "All that can go wrong will" <sup>1</sup> (Remember, you saw it in the Quid first).

I'll spare you the jurisprudence which supports this conclusion (after all, this isn't the S.C.R. !), but next time you say "I can't believe this", "why me" or "?\*#iç\*!", take a moment to reflect that Murphy's law has been enforced yet once more, or that law school is just getting to me. Or maybe it's just Foundations. Speaking of which, I wonder when Murphy will be included in the 'sources' portion of our classes.

1. *Murphy's Law*, Quid Novi, 1993, Volume XIV, No.5 (I know this isn't well cited but give me a break, it wasn't in the citation guide)

# NO TAXPAYERS' BUCKS FOR THE BLOC

By Matthew O'Halloran, LLB I

The Bloc Québécois' platform is to break up Canada by making Québec a sovereign state. Due to Canadian election laws, Canadian taxpayers are subsidizing this message and its band of treasonous messengers. Simply put, you are paying for separatism. Does this make any sense whatsoever?

As we all know, Canada is a representative democracy which protects freedom of speech in its Charter. One can run for a seat in the House of Commons if one wishes, even if one's intent is to take from it all that one can before burning it down. (In this light, it's a little ironic that Guy Fawkes Day is the same week of an election in which a large number of Bloc candidates will likely be elected.)

The point is that Canadians should not have to subsidize those who intend to break up the very country from which they receive the subsidy from in the first place. The situation is analogous to a woman paying a robber to rob her house, or an arsonist to burn it down. To borrow an often used phrase of one of our country's more eloquent political leaders, "It's stupid!".

Freedom of speech guarantees you the freedom to say what you wish. It does not give you the right to take someone else's money to pay for your speech.

While it is not a right, it is presently law in Canada when it comes to federal elections. The intent of the *Canada Elections Act* was presumably to ensure that the poor were not barred from running for federal office, by reimbursing a certain percentage of their campaign expenses. Since money was given to

one class, it seems only fair that it be given to all. (While hoping for a few good legislators to emerge from the less privileged class, it does not seem to have crossed the legislators' minds that by increasing MP's salaries they may attract a few good legislators from among the more privileged class, where one may presume, in an age where politics has become little more than financial management, they may be more numerous.)

Undoubtedly, it is in the public's interest to see that the best men and women run for political office in Canada, irrespective of their personal wealth. I do not think it is in the public's interest that those dedicated to the break-up of Canada should be subsidized by Canadians. Subsidizing the Bloc is a question of policy, not of rights, and the fact of the matter is that it is not merely an illogical policy, but an unpopular one too.

A line of distinction must be drawn here between the Bloc and other political parties, for example, the Natural Law Party. While one is treasonous, the other is only transcendental. If a Natural Law candidate receives the minimum number of votes, then let her be subsidized for her meditations. The beauty of a representative democracy is that it rests on the sound judgement of the people. If a Bloc candidate receives the minimum number of votes (which it looks like all will), then let her not be subsidized. When the will of the people is in accordance with right reason, and does not infringe on anyone's Charter rights, it should be adhered to. By Zeus, maybe we will even shave a few dollars off the deficit!

# REFORM

by Joshua A. Fireman, Nat. IV

A fascinating occurrence has taken place since the legalization of Sunday shopping by the province of Quebec at the end of last year. Prior to December of 1993, the breed of individuals known throughout society as Sunday Drivers had confined their sanity-testing activities to - you guessed it - Sundays.

Since the State decreed, however, that Sundays were no longer the exclusive dominion of church-goers and farmers' market aficionados, Sunday Drivers have spread out their activities through the remaining six days of the week.

The result of this has been a marked increase in traffic tie-ups and useless accidents, particularly along Highways 20 and 40 heading to the West Island. There is, of course, no scientific proof linking the abolition of Sunday shopping to a general decrease in the driving skills of many commuters; the correlation is there, however, and the presence of legions of Road Worriers is indisputable.

How, then, to deal with the problem? The answer lies not in reestablishing a blanket ban on Sunday shopping; unlike salmon, unskilled drivers tend not to be able to find their way back upstream, even with the aid of well-lit directional markers. The solution may be found with a reform of another piece of legislation; the Highway Code.

Until now, drivers' licences have been awarded on the basis of the **STOP** (Start, Tailgate, Overtake and Park) system. This system was created with the main goal of separating those individuals who were capable of driving safely to the corner store and those who had the inborn potential to drive public busses. Although the STOP system served us admirably for years, the time has come to institute a New Road Order that is in line with today's

driving needs.

A reformed Highway Code must create a selective licensing system. Thus, a normal 24-hour day will be divided into blocks of time, during which only drivers of certain licence classes will be allowed on the roads. These classes will be based on practical driving skills, rather than theoretical questions, and will be defined as follows:

**Class 1:** *Allowed on all roads at all times.* Able to cross all four lanes of the Decarie Expressway within 600 metres. Able to accelerate from red light on Drummond and Penfield without using handbrake. Must have been fault-free in any accidents during last two years. Must be capable of driving past all roadside accidents without slowing down or taking eyes off road.

**Class 2:** Allowed on side roads at all times. Not allowed on highways between 7:30-8:30 a.m. These are drivers who slow down for major accidents only. Merging is a problem, as they feel compelled to lower their speeds to the minimum limit out of the belief that they will die less painfully if struck by an oncoming vehicle doing 110 km/h.

**Class 3:** Allowed on side roads during daylight hours. Only allowed on highways during non-peak hours. These drivers panic when merging, and habitually find themselves heading to the Laurentians when unable to cross into Decarie's right-hand exit to the West Island. Residential driving is restricted, as their obsession with obeying road rules after dark annoys those of us who understand that all the police are manning highway posts and couldn't care less if we ran Stop signs

# THIS!

anyway.

**Class 4:** *Allowed on side roads during daylight hours. Only allowed on highways on Sundays.* Who are these people? Four words: "Station Wagons" and "Ned Flanders." 'Nuff Said.

All drivers will be identified as belonging to a particular class by the colour of the neon lights that will become mandatory to install underneath the car. Failure to drive a car with the proper coloured lights will result in a five-year suspension of the licence or the destruction of the car's suspension by an obligatory drive through the most pot-hole ridden streets of the province.

With a reform of the Highway Code along the lines of that recommended above, not only will the problem of confused No Longer Only-Sunday Drivers be solved, but traffic flow during rush hours will improve immeasurably. Those individuals unable to drive to work will be obliged to take public transport, thereby reducing wear and tear on the roads, excessive gas consumption, and various environmental difficulties.

The Sunday Shopping reform must be seen as nothing less than a first step in a larger legislative review process. Computerized registration systems for TV sets are nice, but there are clearly more pressing concerns that must be dealt with immediately. The only question that remains is whether the government will answer the call to action that now lies before it.